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*E-filing*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA, ) No. CR 05-00507 PJH  
15 Plaintiff, ) [Filed August 4, 2005]  
16 v. )  
17 BERNARD THOMAS ) STIPULATION AND [PROPOSED]  
18 Defendant. ) PROTECTIVE ORDER RE:  
19 ) INTERCEPTED TELEPHONE CALLS  
20 San Francisco Venue

21 STIPULATION AND PROTECTIVE ORDER

22 The United States is producing to defense counsel, Elena Condes, excerpted transcripts of  
intercepted jailhouse phone calls from an Emil Forte to defendant Bernard Thomas. The parties  
23 stipulate, and the Court orders, that disclosure of these materials shall be subject to the following  
24 restrictions:

25 1. The United States will produce to defense counsel, Elena Condes, excerpted  
transcripts of intercepted jailhouse phone calls between Forte and Thomas, which relate to  
26 witness intimidation.

27  
28 STIPULATION AND [PROPOSED]  
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1       2. The following individuals may examine the excerpted transcripts for the sole  
2 purpose of assisting in the investigation and preparation of the defense of the defendant,  
3 including his detention or release pending trial:

4           a) Defense counsel Elena Condes and those members of her staff who are  
5 assisting in the investigation and preparation of this case;

6           b) The defendant, with a member of Elena Condes's staff present.

7       3. No other person shall examine the materials without further order of the Court. In  
8 particular, no member or associate of DBG, including Emil Forte, shall be permitted to examine  
9 the materials absent further order of the Court.

10      4. Examination of the materials shall be done in a secure environment which will not  
11 expose the materials to other individuals not listed above.

12      5. No copies of any of the excerpted transcripts may be made without further order  
13 of the Court.

14      6. Within thirty days of the conclusion of this case in the District Court, defense  
15 counsel shall return to the United States all materials provided to her pursuant to this Order.

16      SO STIPULATED.

17      DATED: 8/12/05



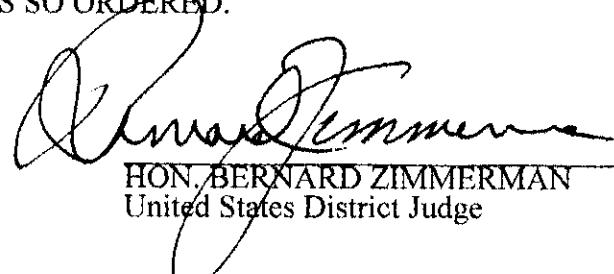
ELENA CONDES  
Counsel for Defendant Bernard Thomas

19      DATED: 8/15/05

  
HARTLEY M. K. WEST  
Assistant United States Attorney

22      PURSUANT TO STIPULATION, IT IS SO ORDERED.

24      DATED: 15 Aug 05

  
HON. BERNARD ZIMMERMAN  
United States District Judge

28      STIPULATION AND [PROPOSED]  
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